

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

FILED
06 DEC -1 PM 1:40
STATE OF FLORIDA
ELECTIONS COMMISSION

In Re: Patrick Bergy
_____ /

Case No.: FEC 05-182
F.O. No.: DOSFEC 06-206 A

FINAL ORDER

THIS CAUSE came on to be heard before the Florida Elections Commission (Commission) at its meeting held on November 14 & 15, 2006, in Tallahassee, Florida.

FINDINGS OF FACT

1. The Commission is charged with enforcing Chapter 106, Florida Statutes, the campaign financing laws.
2. The Settlement Agreement entered into September 18, 2006 between Patrick Bergy and the staff of the Commission is attached hereto and incorporated herein by reference.
3. Patrick Bergy has agreed upon a fine of \$125 as set forth in the Settlement Agreement.

CONCLUSIONS OF LAW

4. The Commission has jurisdiction over the parties to and subject matter of this case, pursuant to Section 106.26, Florida Statutes.
5. Patrick Bergy and the staff of the Commission have agreed to the entry of this Final Order voluntarily and after having the opportunity to seek advice of counsel.
6. Patrick Bergy shall bear his own attorney fees and costs associated with this case.

ORDER

Based on the foregoing facts and conclusions of law, it is hereby

ORDERED that Patrick Bergy shall remit to the Commission a civil penalty in the amount of \$125, inclusive of fees and costs. The civil penalty shall be paid to the Florida Elections Commission, 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050.

The attached Settlement Agreement is hereby approved by the Florida Elections Commission and incorporated herein by reference.

DONE AND ENTERED by the Florida Elections Commission and filed with the Clerk of the Commission on December 1, 2006, in Tallahassee, Florida.



Chance Irvine, Chairman
Florida Elections Commission
107 West Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399-1050

NOTICE OF RIGHT TO APPEAL

Pursuant to Section 120.68, Florida Statutes, the Respondent may appeal the Commission's Final Order to the appropriate district court of appeal by filing a notice of appeal both with the Clerk of the Florida Elections Commission and the Clerk of the district court of appeal. The notice must be filed within 30 days of the date this Final Order was filed and must be accompanied by the appropriate filing fee.

Copies furnished to:

Barbara M. Linthicum, Executive Director
Patrick Bergy, Respondent (certified mail)
Pasco County Supervisor of Elections, Filing Officer

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

RECEIVED
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STATE OF FLORIDA
ELECTIONS COMMISSION

In Re: Patrick Bergy
_____ /

Case No.: FEC 05-182
F.O. No.: DOSFEC 05-158 A

SETTLEMENT AGREEMENT

This Settlement Agreement is entered into this 18th day of September, 2006, between Patrick Bergy (BERGY), and The Florida Elections Commission, (FEC).

WHEREAS, BERGY has filed an appeal against the FEC; and

WHEREAS, the parties wish to resolve all disputes between them in any way related to or arising from the Default Final Order entered by the FEC on June 9, 2005 for the sum of \$202.50;

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein and intending to be legally bound hereby, the parties agree as follows:

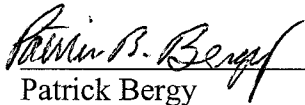
1. Commission staff and BERGY have negotiated in good faith and agreed to a just, fair, and reasonable settlement of all claims between them. Subject to FEC approval at the November 14-15, 2006 Commission meeting, BERGY agrees to pay to the FEC the sum of \$125 in full settlement of this action ("Settlement Payment"). The Settlement Payment is to be made upon execution of this agreement.

2. Also in consideration of this Settlement Agreement, BERGY agrees to execute a Notice of Voluntary Dismissal ("the Dismissal") providing for dismissal of BERGY's appeal in Case No. 1D05-3144 pending in the District Court of Appeal, First District of Florida.

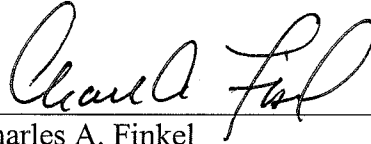
3. The parties agree that each shall bear their own attorney's fees and costs herein.

4. This Settlement Agreement is not an admission of liability by any party.

IN WITNESS WHEREOF, the parties have signed this Settlement Agreement as of the day and year first written above.



Patrick Bergy
4226 Gray Squirrel Lane
New Port Richey, FL 34653



Charles A. Finkel
General Counsel
Florida Elections Commission
107 W. Gaines Streets
Collins Building, Suite 224
Tallahassee, FL 32399-1050